

Remarks

The final Office Action mailed October 06, 2005 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-15, 17-50 and 52-54 are now pending in this application. Claims 1-15, 17-50 and 52-54 stand rejected.

In accordance with 37 C.F.R. 1.136(a), a two-month extension of time is submitted herewith to extend the due date of the response to the Office Action dated October 6, 2005, and made final, for the above-identified patent application from January 6, 2006, through and including March 6, 2006. Authorization to charge a deposit account in the amount of \$450.00 to cover this extension of time request also is submitted herewith.

The rejection of Claims 1-3, 18, 21 and 22 under 35 U.S.C. § 103(a) as being unpatentable over DeFrancesco et al. (U.S. Pat. No. 6,587,841) ("DeFrancesco") in view of Lynch (U.S. Pat. No. 6,823,319) ("Lynch") is respectfully traversed.

Applicant respectfully submits that neither DeFrancesco nor Lynch, considered alone or in combination, describe or suggest the global vendor financing server recited in Claim 1, as amended. As discussed below, neither DeFrancesco nor Lynch describes nor suggests a global vendor financing server that automatically processes a credit application for a customer that includes a credit bureau interface module capable of communicating with first and second credit bureaus wherein the communicating comprises receiving credit information from at least one of the first and second credit bureaus and wherein *the credit information is received in a predetermined format from the credit bureaus, and a scoring module capable of determining a credit level for the customer as a function of the credit request and the credit information wherein the scoring module receives the credit information in the predetermined format, automatically processes the credit information, and outputs a credit level for the customer.* (Emphasis added.)

Notably, no combination of DeFrancesco and Lynch describe or suggest a scoring module configured to determine a credit level for a customer as a function of a credit request and credit information wherein the scoring module receives the credit information in a predetermined

format, automatically processes the credit information, and outputs a credit level for the customer.

Further, neither DeFrancesco nor Lynch describes or suggests a push services module capable of generating a list of additional products when the determined credit level for the customer exceeds the credit request, wherein the push services module is further capable of transmitting the list of additional products to the customer, and wherein *the list of additional products transmitted including at least one of products and services having a cost equal to or less than the difference between the determined credit level for the customer and the credit request of the customer*. (Emphasis added.)

DeFrancesco describes a centralized credit application entry and routing system which accepts applications from automotive dealerships, and selectively forwards them to funding sources. (Col. 8, line 65 – Col. 9, line 5). The system sends the application directly to the funding sources credit application processing system bypassing the need for the funding source to manually enter the application. (Col. 9, lines 25-30). The system receives funding decisions from the funding sources (see Abstract). The funding decisions are forwarded to a remote application input and display device (see Abstract). A dealer is able to quickly see the pending applications and their decisions from the funding sources to which the applications were sent (see column 14, lines 7-13). The system also provides for secure access to the credit application and routing system, facilitating multiple levels of security. (Col. 5, lines 49-51).

Claim 1 recites a global vendor financing server that automatically processes a credit application for a customer, the server includes “a network interface module capable of securely communicating with a vendor computer over a computer network including receiving a credit request from the customer for vendor financing and transmitting a credit level for the credit request...a credit bureau interface module capable of communicating with first and second credit bureaus, where the communicating comprises receiving credit information from at least one of the first and second credit bureaus, and where the first and second credit bureaus provide credit information for different countries, the credit information received in a predetermined format from the credit bureaus...a scoring module capable of determining a credit level for the customer as a function of the credit request and the credit information, the scoring module receives the

credit information in the predetermined format, automatically processes the credit information, and outputs a credit level for the customer...a pricing module capable of generating a price for providing the vendor financing requested in the credit request...a documentation module capable of generating electronic financing documents including a terms document setting forth terms and conditions of the vendor financing being offered to the customer by the vendor, and audit documents for tracking the vendor financing to satisfy audit requirements...and a push services module capable of generating a list of additional products when the determined credit level for the customer exceeds the credit request, the push services module further capable of transmitting the list of additional products to the customer, wherein the list of additional products transmitted including at least one of products and services having a cost equal to or less than the difference between the determined credit level for the customer and the credit request of the customer.”

DeFrancesco does not describe or suggest the global vendor financing server recited in Claim 1. DeFrancesco does not describe or suggest a global vendor financing server that automatically processes a credit application for a customer that includes a credit bureau interface module capable of communicating with first and second credit bureaus wherein the communicating comprises receiving credit information from at least one of the first and second credit bureaus and *wherein the credit information received in a predetermined format from the credit bureaus, and a scoring module capable of determining a credit level for the customer as a function of the credit request and the credit information, the scoring module receives the credit information in the predetermined format, automatically processes the credit information, and outputs a credit level for the customer.* (Emphasis added.)

Rather, DeFrancesco merely describes receiving a funding source decision by reviewing a summary of the pending applications and the corresponding funding source's decision. If additional information exists, such as a score, grade or comments, the dealer is able to display that information as well. (Col. 14, lines 1-17). Unlike Applicant's claimed invention, DeFrancesco does not describe or suggest a scoring module capable of determining *a credit level for the customer as a function of the credit request and the credit information.* Moreover, DeFrancesco does not describe or suggest a *scoring module that receives credit information in the predetermined format, automatically processes the credit information, and outputs a credit level for the customer.*

Further, DeFrancesco does not describe or suggest a pricing module capable of generating a price for providing the vendor financing requested in the credit request. Rather, DeFrancesco describes distributing transactional costs associated with the processing and routing of the credit application between the dealer and the bank. (Col. 6, lines 11-18.) DeFrancesco does not describe generating a price for actually providing vendor financing. Distributing transactional costs associated with the processing and routing of a credit application between an auto dealer and a bank as described in DeFrancesco does not describe or teach generating a price for providing the vendor financing requested in the credit request.

As the Examiner acknowledges in the Office Action, DeFrancesco does not describe or suggest a global vendor financing server that automatically processes a credit application for a customer that includes a pricing module capable of generating a price for providing the vendor financing requested in the credit request and/or a push services module capable of generating a list of additional products when the determined credit level for the customer exceeds the credit request; the push services module further capable of transmitting the list of additional products to the customer.

The deficiencies of DeFrancesco are not overcome by Lynch. The Examiner alleges that Lynch discloses “a method and a corresponding system for automated process deal structuring comprising a pricing module capable of generating a price for providing financing (Col. 16, lines 20-30).” Applicant respectfully disagrees.

Lynch describes a system and process for structuring a deal with a customer, wherein the customer provides information pertaining to the desired deal and the system applies origination rules and a strategy to present the customer with a deal structure. At Col. 16, lines 20-30, Lynch describes a process for cross-selling products, wherein the system queries the customer whether the customer desires to be offered products and services related to the requested deal structuring. A database of products and/or services is generated by arranging referral agreements with the providers of the products and/or services, which compensate the offeror when the customer is offered or actually procures the offered product or service. Lynch does not describe or suggest *a pricing module capable of generating a price for providing the vendor financing requested in the credit request.*

Further, Lynch does not describe or suggest a push services module capable of generating a list of additional products when the determined credit level for the customer exceeds the credit request, wherein the push services module is further capable of transmitting the list of additional products to the customer, and *wherein the list of additional products transmitted including at least one of products and services having a cost equal to or less than the difference between the determined credit level for the customer and the credit request of the customer.* (Emphasis added.) Rather, Lynch provides in relevant part as follows:

Once it has been determined that the customer is eligible to receive a deal option, the system may query 1002 the customer whether the customer desires to be offered products and services related to the requested deal structuring, or the system may offer such additional products without querying the customer. The DSS 100 then applies 1006 product applicability rules to the products listed in the database of products and services to identify 1008 applicable products and/or services for cross-selling to the customer. For example, if the customer is purchasing a new construction home, the services of a termite inspector are likely not needed, and should not be offered. If information in the deal structuring discloses that the customer will make a long-distance move to occupy the new property, the DSS system 100 might offer insurance for the goods in transit. (Col. 16, lines 6-20.)

Lynch does not describe or suggest a push services module capable of generating a list of additional products *when the determined credit level for the customer exceeds the credit request, wherein the list of additional products transmitted including at least one of products and services having a cost equal to or less than the difference between the determined credit level for the customer and the credit request of the customer.* (Emphasis added.)

Moreover, as discussed above in the case of DeFrancesco, Lynch does not describe or suggest a scoring module capable of determining a credit level for the customer as a function of the credit request and the credit information, wherein the scoring module receives the credit information in the predetermined format, automatically processes the credit information, and outputs a credit level for the customer. (Emphasis added.) Accordingly, Claim 1 is submitted to be patentable over DeFrancesco in view of Lynch.

For at least the reasons set forth above, Applicant respectfully submits that Claim 1 is patentable over DeFrancesco in view of Lynch.

Claims 2-3, 18 and 21-22 depend from independent Claim 1. When the recitations of Claims 2-3, 18 and 21-22 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2-3, 18 and 21-22 likewise are patentable over DeFrancesco in view of Lynch.

For at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 1-3, 18, 21 and 22 be withdrawn.

The rejection of Claims 4-15, 17, 19-20, 23-50 and 52-54 under 35 U.S.C. § 103(a) as being unpatentable over DeFrancesco and Lynch as applied to Claim 1 above, and in further view of Zeanah et al. (U.S. Pat. No. 5,933,816) (“Zeanah”) is respectfully traversed.

DeFrancesco and Lynch are described above. Zeanah describes a delivery system and method that allows a financial institution to provide financial services to a plurality of remote devices, such as personal computers, personal data assistants, and screen phones. In addition to providing services to these remote devices, the system and method provide services to automatic teller machines (ATMs), external service providers, and internally within the financial institution to staff terminals and to the individual branches of the financial institution. The delivery of financial services is not limited to any particular network but rather may be provided through dial-in access, Internet access, on-line service provider access, or other types of delivery networks. The system is comprised of a set of reusable global components which are modular and are organized into services sets. By separating the components of the system into independent components, the system and method can be developed and tested on a component level rather than the entire system level, thereby substantially reducing the development and maintenance cycle time. The system and method operate in sessions and, for instance, employ a dialog component for gathering information from a customer, a rule broker component for providing answers to the various legal and regulatory rules in a particular country, a language component for selecting appropriate language, a transaction executor component for performing transactions, and a presentation manager component for formatting outputs to the customer. The system and method provide state-of-the art interfaces with interface components and support legacy applications with legacy bridge components.

Claims 4-15, 17, 19-20 and 23-24 depend from Claim 1. Claim 1 has been recited herein above. None of DeFrancesco, Lynch and Zeanah, considered alone or in combination, describes or suggests the global vendor financing server recited in Claim 1. More specifically, as discussed above, neither DeFrancesco nor Lynch describes or suggests a global vendor financing server that automatically processes a credit application for a customer that includes a scoring module capable of determining a credit level for the customer as a function of the credit request and the credit information wherein the scoring module receives the credit information in the predetermined format, automatically processes the credit information, and outputs a credit level for the customer, a pricing module capable of generating a price for providing the vendor financing requested in the credit request, and a push services module capable of generating a list of additional products when the determined credit level for the customer exceeds the credit request wherein the push services module further capable of transmitting the list of additional products to the customer and wherein the list of additional products transmitted including at least one of products and services having a cost equal to or less than the difference between the determined credit level for the customer and the credit request of the customer.

Zeanah does not make up for the deficiencies of DeFrancesco and Lynch. Rather, Zeanah describes a delivery system and method that allows a financial institution to provide financial services to a plurality of remote devices, such as personal computers, personal data assistants, and screen phones. Zeanah, however, does not describe or suggest a global vendor financing server that automatically processes a credit application for a customer that includes a scoring module capable of determining a credit level for the customer as a function of the credit request and the credit information wherein the scoring module receives the credit information in the predetermined format, automatically processes the credit information, and outputs a credit level for the customer, a pricing module capable of generating a price for providing the vendor financing requested in the credit request, and a push services module capable of generating a list of additional products when the determined credit level for the customer exceeds the credit request wherein the push services module further capable of transmitting the list of additional products to the customer and wherein the list of additional products transmitted including at least one of products and services having a cost equal to or less than the difference between the determined credit level for the customer and the credit request of the customer. Because each of DeFrancesco, Lynch and Zeanah fails to describe or suggest one or more of the claimed

elements, it follows that a combination of DeFrancesco, Lynch and Zeanah cannot describe or suggest such elements.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted as patentable over DeFrancesco and Lynch as applied to Claim 1 above, and in further view of Zeanah.

When the recitations of Claims 4-15, 17, 19-20 and 23-24 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 4-15, 17, 19-20 and 23-24 likewise are patentable over DeFrancesco and Lynch in view of Zeanah.

Claim 25 recites a method of automatically processing a vendor financing credit application in a global vendor finance computer, the method includes “receiving a vendor financing credit application via a computer network from a vendor computer, where the vendor financing credit application indicates at least an asset to be financed as part of a vendor financing, an entity desiring the asset and a vendor offering the asset ... transmitting a first credit request to a first credit agency, where the first credit request indicates at least the entity and the first credit agency is selected from a plurality of credit agencies that provide credit information for different countries ... receiving a first credit response from the first credit agency indicating credit information of the entity, the first credit response received in a predetermined format from the first credit agency...generating a first credit level as a function of the first credit response and the vendor financing credit application, wherein the generating a first credit level includes receiving the first credit response in the predetermined format, automatically processing the first credit response, and outputting a first credit level for the customer...generating a price for providing the vendor financing as a function of the first credit level and the vendor financing credit application...generating electronic financing documents including a terms document setting forth terms and conditions of the vendor financing being offered to the entity by the vendor, and audit documents for tracking the vendor financing to satisfy audit requirements...generating a list of additional products when the first credit level for the entity exceeds the first credit request...transmitting the list of additional products to the entity for consideration by the entity, wherein the list of additional products transmitted including at least one of products and services having a cost equal to or less than the difference between the first credit level for the entity and the first credit request of the entity.”

Claim 25 recites a method of automatically processing a vendor financing credit application that includes, among other things, steps essentially similar to those operations and steps performed by the modules of the financing server recited in Claim 1. Thus, it is submitted that Claim 25 is patentable over the combination of DeFrancesco and Lynch in view of Zeanah for at least the reasons that correspond to those given with respect to Claim 1.

Claims 26-50 depend from independent Claim 25. When the recitations of Claims 26-50 are considered in combination with the recitations of Claim 25, Applicant submits that dependent Claims 26-50 likewise are patentable over DeFrancesco and Lynch in view of Zeanah.

Claim 52 recites a method of marketing financial services using a vendor financing computer system, the method includes “receiving a vendor financing application via a computer network from a vendor computer, where the vendor financing application indicates at least an asset to be financed as part of a vendor financing, a customer desiring the asset and a vendor offering the asset ... transmitting a credit request to a credit agency wherein the credit request indicates at least the customer and a requested credit level, the first credit agency is selected from a plurality of credit agencies that provide credit information for different countries ... receiving a credit response from the credit agency indicating credit information of the customer, the credit response received in a predetermined format from the credit agency...generating a credit limit as a function of the credit response and the vendor financing application, wherein the generating a credit limit includes receiving the credit response in the predetermined format, automatically processing the credit response, and outputting a credit limit for the customer...generating a price for providing the vendor financing as a function of the credit limit and the vendor financing application...determining a difference between the credit limit and the requested credit level of a the vendor financing customer...providing an offer for a financial service to the customer via the computer system if the credit limit exceeds the requested credit level, where the financial service costs less than the difference, the offer is provided by using the computer to generate financing documents including a terms document setting forth terms and conditions of the vendor financing being offered to the customer by the vendor...generating origination status reports including origination information summaries, current deal status distributions, credit score

distributions, and effectiveness reports categorized by at least one of a vendor, a program and a marketing group.”

Claim 52 recites a method of marketing financial services that includes, among other things, steps essentially similar to those operations and steps performed by the modules of the financing server recited in Claim 1. Thus, it is submitted that Claim 52 is patentable over the combination of DeFrancesco and Lynch in view of Zeanah for at least the reasons that correspond to those given with respect to Claim 1.

Additionally, the method of Claim 52 further requires *generating origination status reports including at least one of origination information summaries, current deal status distributions, credit score distributions and channel usage, and effectiveness reports categorized by at least one of a vendor, program and marketing group*. None of DeFrancesco, Lynch and Zeanah, considered alone or in combination, describes or suggests such limitation.

For the reasons set forth above, Claim 52 is submitted to be patentable over DeFrancesco and Lynch in view of Zeanah.

Claim 53 depends from independent Claim 52. When the recitations of Claim 53 are considered in combination with the recitations of Claim 52, Applicant submits that dependent Claim 53 likewise is patentable over DeFrancesco and Lynch in view of Zeanah.

Claim 54 recites a global vendor financing server that automatically processes a credit application for a customer, the server includes “a network interface module configured to securely communicate with a vendor computer over a computer network including receiving a credit request from the customer for vendor financing and transmitting a credit level for the credit request ... a credit bureau interface module configured to communicate with first and second credit bureaus, where the communicating comprises receiving credit information from at least one of the first and second credit bureaus, and where the first and second credit bureaus provide credit information for different countries, the credit information received in a predetermined format from the credit bureaus...a scoring module configured to determine a credit level for the customer as a function of the credit request and the credit information, the scoring module receives the credit information in the predetermined format, automatically

processes the credit information, and outputs a credit level for the customer...a pricing module configured to generate a plurality of prices for providing the vendor financing requested in the credit request, wherein each price is generated with a different financing term...a documentation module configured to generate electronic financing documents for each of the plurality of prices generated by the pricing module including a terms document setting forth terms and conditions of the vendor financing including the corresponding price being offered to the customer by the vendor, and audit documents for tracking the vendor financing accepted by the customer for satisfying audit requirements...a push services module configured to generate a list of additional products when the determined credit level for the customer exceeds the credit request, the push services module further configured to communicate the list of additional products to the customer, wherein the list of additional products transmitted including at least one of products and services having a cost equal to or less than the difference between the determined credit level for the customer and the credit request of the customer...a reports module configured to generate origination status reports including origination information summaries, current deal status distributions, credit score distributions, and effectiveness reports categorized by at least one of a vendor, a program and a marketing group.”

Claim 54 recites a global vendor financing server that automatically processes a credit application for a customer that includes, among other things, modules configured to perform steps essentially similar to those operations and steps performed by the modules of the financing server recited in Claim 1. Thus, it is submitted that Claim 54 is patentable over the combination of DeFrancesco and Lynch in view of Zeanah for at least the reasons that correspond to those given with respect to Claim 1.

Additionally, the server of Claim 54 further requires *a reports module configured to generate origination status reports including at least one of origination information summaries, current deal status distributions, credit score distributions and channel usage, and effectiveness reports categorized by at least one of a vendor, program and marketing group.* None of DeFrancesco, Lynch and Zeanah, considered alone or in combination, describes or suggests such limitation.

For at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 4-15, 17, 19-20, 23-50 and 52-54 be withdrawn.

Notwithstanding the above, the rejection of Claims 1-3, 18 and 21-22 under 35 U.S.C. § 103 as being unpatentable over DeFrancesco in view of Lynch, and the rejection of Claims 4-15, 17, 19-20, 23-50 and 52-54 under 35 U.S.C. § 103 as being unpatentable over DeFrancesco in view of Lynch and further in view of Zeanah are further traversed on the grounds that the Section 103 rejection of the presently pending claims is not a proper rejection. As discussed herein, the combination of DeFrancesco, Lynch and Zeanah fails to teach or suggest all of the claim limitations. This is demonstrated by denoting the elements of the claims which each reference fails to describe or suggest. In the instant rejection, if neither of the individual references teaches or suggests one or more of the claimed elements, it follows that the combination of references cannot teach or suggest those elements.

Furthermore, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. None of DeFrancesco, Lynch and Zeanah, considered alone or in combination, describe or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine DeFrancesco with either Lynch or Zeanah, because there is no motivation to combine the references suggested in the art. Additionally, the Examiner has not pointed to any prior art that teaches or suggests to combine the disclosures, other than Applicants' own teaching.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is

based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection of Claims 1-15, 17-50 and 52-54 be withdrawn.

Accordingly, for at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 1-15, 17-50 and 52-54 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



Daniel M. Fitzgerald
Reg. No. 38,880
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070